

REMARKS

Claims 1-64 are pending. Claims 31-64 are withdrawn and are canceled without prejudice. Claims 1-30 are rejected. Claims 1, 3, 11, 12, 13, and 18 have been amended. Claims 8, 24, 25, and 27 are canceled without prejudice.

The specification has been amended to correct a typographical error, specifically to delete reference to figure because the specification does not have figures.

Applicant respectfully requests reconsideration for the following reasons.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

Claims 1-3, 9, 11-14 and 18 are rejected under 35 U.S.C. §102(b) as anticipated by Schacher (US 4,620,979).

The Examiner states "Schachar teaches the use of vitamin C in combination with a stabilizing agent, such as glutathione at the claimed concentrations." Schachar also teaches an ophthalmic solution containing about 5.0 to about 30.0 millimoles/liter of ascorbic acid (0.088% to 0.528%)(Abstract and Claim 1).

Applicant's Claim 1, however, also recites Vitamin E, which Schachar does not disclose. Applicant has amended Claims 1 and 18 to define Vitamin C having a concentration of about 1% to about 25% or a concentration of about 0.01% to about 0.03% of the ocular solution (supported at least on page 5, lines 7 to 8, and 16-17). Schachar does not describe these Vitamin C concentrations in combination of glutathione at its claimed concentrations. Thus, Schacher does not disclose Applicant's composition.

For these reasons Applicant asserts that claims 1, 3, 9, 11-14, and 18 do not anticipate Schacher and requests that the rejection be withdrawn.

Claims 4, 6, 8, and 20 are rejected under 35 U.S.C. §102(b) as anticipated by Ghosal (US 6,235,721).

The Examiner states Ghosal "teaches the use of vitamin C in combination with *Embilica officinalis* fruit extract and propylene glycol."

Applicant has canceled claim 8 reciting *Embilica officinalis*. Ghosal does not disclose the stabilizers in combination with Vitamin C as taught by the Applicant. For these reasons Applicant respectfully asserts that the claims do not anticipate Ghosal and requests that the rejection be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

Claims 5, 6, 7, 10, 16, 17, 19, and 21-30 are rejected under 35 U.S.C. §103(a) as obvious over Schacher (US 4,620,979) and Petrus (US 6,573,299).

It is the Examiner's position that Schacher, the primary reference, teaches the use of vitamin C with glutathione in an ophthalmic formulation but differs from Applicant's invention in

that Applicant teaches the use of "cysteine as a stabilizing agent and the additives such as silicone and polymers." It is also the Examiner's position that Petrus teaches the use of cysteine derivatives in combination with ascorbic acid and glutathione and "teaches the use of additives such as silicone and selenium in ophthalmic formulations as old." Hence, one skilled in the art would combine Schacher and Petrus because one relates to the use of ascorbic acid in combination with glutathione and the other relates to the use of ascorbic acid derivatives in combination with cysteine derivatives with the claimed additives such as silicone and selenium.

Applicant respectfully disagrees. There is no teaching, suggestion, or motivation to combine Petrus, because Petrus is directed to a composition containing permeation enhancers and bio-affecting agents. These penetrate through the eyelid into the underlying tissues and into the vascular network to treat orbital disorders associated with the eye. Specifically, the enhancer increases the skin permeability by "altering the physiochemical nature of the stratum corneum to reduce its diffusional resistance (Col 4, lines 54-61). Petrus contains ingredients "that prepare the epidermis of the skin to receive bio-affecting agents" (col. 5, lines 54-56).

Applicant respectfully asserts that there is no teaching, motivation or suggestion for one skilled in the art to combine Schacher and Petrus to disclose Applicant's invention of a composition applied to the eye (topically, as irrigation solution, etc.) containing Vitamin C or Vitamin E and a stabilizing agent. Claims 5, 6, 7, 10, 16, 17, 19, and 21-30 depend from independent claims 1 and 18, which Applicant believes are condition for allowance, and thus would also be allowable.

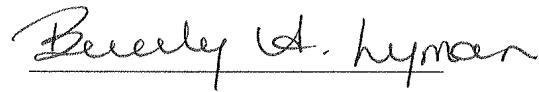
As stated by the Examiner, Applicant teaches the use of cystine as a stabilizing agent and the use of additives such as silicone and polymers, whereas Schacher does not. Also, as stated by the Examiner, Petrus teaches the use of cysteine derivatives, specifically N-acetylcysteine (NAC), in combination with ascorbic acid and glutathione, and he teaches that the results of the combination NAC, glutathione, and ascorbic acid are synergistic. Petrus does not, however, suggest that cysteine or free cysteine, in combination with ascorbic acid and glutathione, would be effective.

Applicant thus respectfully requests that the rejection be withdrawn.

CONCLUSION

Applicant believes the rejections are overcome and that the application is in condition for allowance. Applicant believes a \$60 fee is due for a 1-month extension of time and authorizes credit card payment. If any additional charges or credits are necessary to complete this communication, please apply them to Deposit Account No. 23-3000.

Respectfully submitted,
WOOD, HERRON & EVANS, L.L.P.

A handwritten signature in cursive script, reading "Beverly A. Lyman". The signature is written in dark ink and is positioned above a horizontal line.

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